

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**SUSIE BRAWHAW, BY AND THROUGH
MAGNOLIA HAYS, NEXT FRIEND, FOR
THE USE AND BENEFIT OF SUSIE BRAWHAW,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:06CV194-P-B

MARINER HEALTH CARE, INC., ET AL.,

DEFENDANT.

ORDER

This matter comes before the court upon the plaintiff's motion to strike [150] the defendants' motions *in limine* regarding plaintiff's experts Olive Christine Williams-Brown, R.N. and Dr. Loren Lipson. Upon due consideration of the motion, the court finds as follows, to-wit:

In its March 15, 2007 Case Management Order, the court ordered that

All dispositive motions, including motions *in limine* seeking exclusion of expert testimony, shall be filed by March 28, 2008. See Local Rule 7.2(B)(3) ("Unless otherwise ordered by the Case Management Order, all case-dispositive motions challenging an opposing party's expert shall be filed no later than fifteen calendar days after the discovery deadline.") The deadline for motions *in limine* not seeking exclusion of expert testimony is ten days before the pretrial conference; the deadline for responses is five days before the pretrial conference.

March 15, 2007 Case Management Order, ¶ 15.

On July 10, 2008 the defendants filed two motions in limine as to the expert testimony of the plaintiff's nurse expert, Ms. Olive Christine Williams-Brown, R.N. and the plaintiff's M.D. expert, Dr. Loren Lipson. The motions are untimely because they are motions *in limine* "seeking the exclusion of expert testimony." Such motions were due March 28, 2008 per the Case Management Order. Alternatively, other motions *in limine* were due ten days before the pretrial conference, which in this case was held on June 17, 2008. Ten business days before the pretrial conference rendered

the deadline for other motions *in limine* June 3, 2008. The instant motions were not filed until July 10, 2008.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The plaintiff's motion to strike [150] the defendants' motions in limine regarding plaintiff's experts Olive Christine Williams-Brown, R.N. and Dr. Loren Lipson is **GRANTED**; therefore,

(2) Defendants' subject motions *in limine* are hereby **DENIED** as untimely.

SO ORDERED this the 24th day of July, A.D., 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE